

IN RE:

ALEXANDER COTTO DELGADO
GRISSELLE CRUZ CRUZ
DEBTOR(S)CASE NO. 19-02213-MCF
CHAPTER 13**TRUSTEE'S REPORT ON CONFIRMATION**

1. The applicable commitment period is: 3 years
2. The liquidation value of the estate is \$: To be determined.
3. The general unsecured pool is \$: 0

AMENDED PLAN DATE: June 14, 2019

PLAN BASE: \$4,800.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 6/20/2019☐

FAVORABLE

☒

UNFAVORABLE

1. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):

Debtors used exemption pursuant 11 U.S.C. 522(d)(11)(D) in the amount of \$53,300.00 over a cause of action against Wal-Mart. Debtors have provided to trustee an amended complaint dated March 6 of 2019 in which debtor requested \$120,000.00. Said document discloses that the amount requested was for concept of an accident where Mr. Alexander Cotto Delgado had physical damages, mental anguishes and suffering. Per cursory review the complaint only specifies that \$25,000.00 was requested for physical damages exclusively and the other \$95,000 was requested for physical damages, mental anguishes and suffering. Thus, the compensation requested is not exclusively for personal bodily injury. Also, Trustee objects to the exemption pursuant 11 U.S.C. 522(d)(5) in the amount of \$27,800.00 since the accident exclusively involves one of the debtors, Mr. Alexander Cotto Delgado. Thus, Trustee submits that the maximum amount to be used under this section is \$13,900. An objection to exemptions will be filed.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Miriam Salwen Acosta
Miriam Salwen Acosta

Atty: ROBERTO FIGUEROA

USDC # 208910
ALEJANDRO OLIVERAS RIVERA
Chapter 13 Trustee
PO Box 9024062, Old San Juan Station
San Juan PR 00902-4062
CMC - WG